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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,894	03/31/2000	Marvin J. Doman	S-90,669	7348

31972 7590 01/09/2004

UNITED STATES DEPARTMENT OF ENERGY  
1000 INDEPENDENCE AVENUE, S.W.  
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WASHINGTON, DC 20585-0162

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

The Appeal Brief filed 9/12/03 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS: (1) ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; **(2) TWO MONTHS** from the date of the notice of appeal; **or (3)** within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims. 37 CFR 1.192(c)(3).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment. 37 CFR 1.192(c)(4).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. 37 CFR 1.192(c)(5).
5. ☒ The brief does not contain a concise statement of the issues presented for review. 37 CFR 1.192(c)(6).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - a. ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - b. ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal. 37 CFR 1.192(c)(8).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto. 37 CFR 1.192(c)(9).

9. ☒ Other (including any explanation in support of the above items):

See attachment

Art Unit: 3652

As to item 5, appellant properly lists the two art rejections as issues "A" and "B" on pages 2 and 3 of the 9/12/03 brief.

However, what appellant also lists on said pages 2 and 3 of the 9/12/03 brief as, the first issue, the second issue, the third issue, and, the fourth issue, are actually arguments, not issues.

As set forth in MPEP 1206 under the heading "Appeal Brief Content", part "(6) Issues", each stated issue should correspond to a separate ground of rejection.

As also stated in said part (6) Issues, the statement would be limited to the issues presented, and should not include any argument concerning the merits of those issues.

Behrend/vs  
December 2, 2003



HARVEY E. BEHREND  
PRIMARY EXAMINER